



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

MARK S. HERR
Director

November 24, 1999

Mailing Address:

P.O. Box 45017
Newark, NJ 07101
(973) 504-6470

Lester H. Barbanell, Ed.D.
One Horizon Road
Fort Lee NJ 07024

Dear Dr. Barbanell:

This will confirm our telephone conversation yesterday. The Board reviewed your request for a reduction in the remaining amount of the penalty of \$10,000.00 and if denied, approval of installment payments. The Board has denied your request for a reduction in the penalty; however, the Board has approved installment payments over a period of 18 months. Accordingly, you may pay the entire amount of \$10,000.00 or make installment payments of \$555.55 per month for 18 months, commencing December 1, 1999. Note: please add \$.10 to the first payment.

Payment should be made by check or money order to the Board of Psychological Examiners and sent to this address. Please call or write this office if you have any questions.

Very truly yours,
BOARD OF PSYCHOLOGICAL EXAMINERS

Paul C. Brush
Executive Director

cc: Kathy Rohr, Senior Deputy Attorney General

MAILED

3/1/2000

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: Claire M. Rizzo
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102
Telephone (201) 648-2478

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON 10-27-98

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

LESTER H. BARBANELL, Ed.D.
LICENSE NO. 1348

CONSENT ORDER

TO PRACTICE PSYCHOLOGY
IN THE STATE OF NEW JERSEY

This matter was opened to the State Board of Psychological Examiners upon receipt of information that Respondent treated a female patient, M.H., from December 1991 through October 1992 and that he engaged in sexual contact with said patient in and around September and/or October 1992. On May 20, 1997, Respondent was charged with professional misconduct in violation of N.J.A.C. 13:42-4.1(a); 1.xivi(l); xvii(l) and xvii(4) and N.J.S.A. 45:1-21(e); violations of N.J.A.C. 13:42:4.1(a), xxii(3) and repeated acts of incompetence in violation of N.J.S.A. 45:1-21(d). On June 16, 1997, Respondent filed an answer disputing the charges. This matter is scheduled for hearing at the Office of Administrative Law before Hon. E. Klinger starting on November 2, 1998. Respondent admits engaging in sexual contact with M.H. but claims that said contact commenced about four weeks after treatment ceased. The Board has reviewed all the information

regarding this matter including, but not limited to, sworn testimony, expert opinions, various statements, and documents and has considered mitigating information including that Respondent attempted to transfer M.H. to another psychologist and attempted to stop treating M.H. shortly before or after the sexual contact, that the sexual relationship was of an extremely short duration, and that there hasn't been any other misconduct or similar allegations made against Respondent regarding any other patients prior or subsequent to 1992.

Respondent being desirous of resolving this matter without the necessity of further proceedings and the Board having determined that the following provisions are adequately protective of the public's interest and welfare, and for good cause shown.

IT IS, therefore, on this ^{26th} day of ~~OCTOBER~~ 1998,

ORDERED THAT:

1. Respondent's license to practice psychology in the State of New Jersey is hereby suspended for two years commencing thirty (30) days after the date of entry of this Order, the first six (6) months active and the remaining eighteen (18) months stayed and served as a period of probation conditioned upon full compliance with the following conditions:

(a) Respondent shall immediately return his original New Jersey license and current biennial registration to the New Jersey State Board of Psychological Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey, 07101 upon his receipt of a filed copy of this Order.

(b) The active suspension of Respondent's license to practice psychology means that Respondent will not practice psychotherapy or hold himself out as a psychologist in this State or any other State. During the period of active suspension, Respondent shall inform any and all persons who request psychological services that he is currently not practicing psychology. Respondent shall agree to and comply with the Directives regarding licensees who have been suspended/revoked, a

copy of which is attached hereto and made a part hereof. During the period of active suspension Respondent shall not provide any form of therapy or counseling, whatsoever, including, but not limited to, and counseling or therapy in settings exempt from Psychology Board regulation.

(c) Respondent shall provide a copy of this order to his therapist, continue therapy with his therapist with quarterly reports to the Board or if discharged, provide the Board with a detailed discharge summary from his therapist, and shall allow the release of any and all records relating thereto upon Board request. Respondent shall submit to a comprehensive psychological evaluation performed by a Board approved psychologist which shall include, but not be limited to, transference issues, boundary problems, and dual and sexual relationships. Respondent shall pay all the costs of said evaluation, provide the Board a copy of the evaluation, agree to the release of any and all records relating to the evaluation upon Board request, and shall fully comply with any recommendations thereto.

(d) Following the period of active suspension and during the period of probation, Respondent shall make arrangements for and submit to professional supervision by a Board approved psychologist, at his own expense, and at a rate of one hour for every five hours of client contact weekly. The costs incurred as a result of said supervision shall not be passed on to Respondent's clients. Respondent shall provide his supervisor with a copy of this order. The supervisor shall provide to the Board written quarterly reports summarizing the number of cases supervised, their nature and extent of treatment by Respondent, and evaluating the quality of Respondent's professional services. The supervisor shall pay particular attention to Respondent's dealings with transference issues, boundary problems, and dual and sexual relationships as well as Respondent's overall practice. The supervisor shall agree to promptly notify this Board of work which fails to meet accepted standards of professional practice.

(e) Respondent shall not supervise any applicants during the entire two (2) year period of suspension including both the active and stayed periods.

(f) Respondent shall scrupulously comply henceforth with the laws of the State of New Jersey and in particular the laws and rules of the State of Board of Psychological Examiners in all respects, including but not limited to avoidance of any forms of dual relationships and sexual relationships with patients (current or terminated within the past two years). Upon proof of any violations of this Consent Order or any other violations of the statutes and regulations of the Board, the Board in its discretion may activate any remaining periods of stayed suspension or impose any other appropriate sanctions authorized by law.

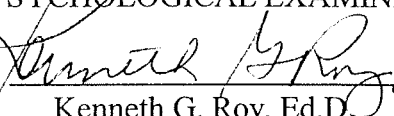
(g) Respondent shall agree to avoid any form of contact with M.H., and in the event that any inadvertent encounters occur, Respondent shall immediately report same to the Board.

(h) Respondent shall pay a civil penalty of twenty-five (\$25,000) thousand dollars, in payments of fifteen thousand (\$15,000) within thirty (30) days of the entry of this order and ten thousand (\$10,000) within six (6) months after resumption of practice. Respondent shall pay costs totaling \$2,760.80 within thirty (30) days of the entry of this order. Said monies shall be submitted to the Board of Psychological Examiners by certified check or money order made payable to the

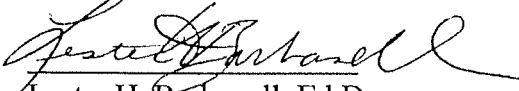
State Board of Psychological Examiners.

NEW JERSEY STATE BOARD OF
PSYCHOLOGICAL EXAMINERS

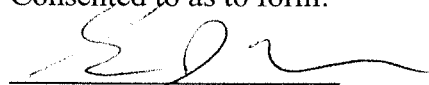
By:


Kenneth G. Roy, Ed.D.
Board President

I have read and understood the
within Order and agree to be
bound by its terms. Consent is
hereby given to the Board to
enter this Order.


Lester H. Barbanell, Ed.D. 10/22/98

Consented to as to form:


Susan I.
Wegner, Esq. 10/22/98